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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/748,729 | 12/26/2000 | Lawrence E. Williams III | 23088 0276046 | 4226 |

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EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application N .

09/748,729

Applicant(s)

WILLIAMS, LAWRENCE E.

Examiner

James Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a) because Fig. 2 fails to show: LMES site **8** (page 10, line 1), Business Entity **4** (page 10, line 9) and CRM site **20** (page 10, line 17), as described in the specification in the cited page and line. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in Fig. 6, reference character **36** has been used to designate both LMES server and virtual garage. In Fig. 2, reference character **36** has been used to show a server (web and/or email), while LMES web site is referred to as character **8**.

Applicant is encouraged to review his application for similar discrepancies.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Double Patenting

Claims 1-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 12, 13, 17, 19, 23, 24 and 28 of copending Application No. 09/494813. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to web site /portal that provide what applicant calls "Life

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Management and Enhancement Services" related to stored personalized information.

The site includes links to automotive web sites, entertainment web sites and others.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "originally" in claim 1 is a relative term which renders the claim indefinite. The term "originally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over an article entitled an article by Charles Mason, "Wireless Internet gives auto industry the buzz," published on 1 December 1999 in America's Network, downloaded from the

internet 10 April 2003, hereinafter *Wireless Internet*, in view of an article entitled "InfoGation Corp. Introduces Productivity, Navigation, Safety and Communication Software Applications for Next-Generation Smart Car Systems," PR Newswire, New York, January 8, 1998, downloaded from the Internet on 10 April 2003, hereinafter *InfoGation*.

Wireless Internet discloses all the limitations of the claims, such as enabling customers to link, via the electronic media of the Internet, to one or more service providers, including telematics service providers (TSP). Wireless Internet also discloses that services may be offered by a variety of TSP's through web sites and portals (i.e., applicant's "virtual garage"). Portals have communication links to a plurality of TSP's.

Web sites and portals can be accessed through wireless internet connections (for example, page 2, references to wireless internet users who would obtain personalized information). Customers can request and receive personalized information from one or more portals. Personalized information may include traveled miles, route conditions, weather forecasts, contact information in emergencies (for example, page 4, real-time vehicle diagnostics reporting; page 5, emergency calls, which could include calls concerning accidents). The information is personalized information because it pertains to specific customers and their devices: traveled miles by a customer, weather forecasts in an area specified by a customer, emergency contact information for a customer, etc. Other TSP services available through Internet sites may include stolen vehicle tracking, remote door unlock, remote vehicle diagnostics, route support, convenience services locator and concierge services (e.g., page 5).

Wireless Internet discloses that customers may access and monitor third-party systems and devices via gateways and gateway technology (for example, page 4).

Customers may use telematics devices, cellular phones and handheld devices to send and receive messages, place voice calls and receive proximity and actual vehicle locations over wireless connections (for example, page 2, see references to SPRINT PCS voice and data services and references to mobile communications and tracking services).

Wireless Internet *does not* specifically disclose that a website or portal *is* applicant's "Life Management and Enhancement Server" which offers links to services such as automotive information, travel information, entertainment information, health information, recreation, etc. However, Wireless Internet teaches that hundreds of thousands of new users log-on to access information and engage in electronic commerce. Wireless Internet also suggests that there is powerful economic motivation for wireless carriers and TSPs to tap into the enthusiasm raised by combining wireless data applications and ordinary Internet electronic commerce.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to expand the teachings of Wireless Internet and include connections to web sites that offer services such as automotive information and travel information. One of ordinary skill at the time the invention was made would have been motivated to expand the teachings of Wireless Internet and include connections to web sites that offer services such as automotive information and travel information for the obvious reason that one can centralize a customer's needs for various services and

provide seamless integration of personalized information, regardless of its source and means of transmission. Combining ordinary Internet electronic commerce applications, "life management" applications and telematics services permit a customer to simplify his access to computing resources. It is well known that customers may get confused when they are called on to remember how to access different services from multiple providers. By combining personalized services and information, a company can offer to reduce complexity for a customer. A company may offer single-billing services for all of the services provided, thereby reducing paperwork and billing complexities.

Wireless Internet *does not* specifically disclose transmitting updates from a plurality of TSP's to a portal. However, Wireless Internet discloses that TSP's may provide information concerning maintenance scheduling, proximity locators, direction finding and vehicle location. It is well known that this type of personalized information needs to be updated periodically. For example, if a customer retrieves vehicle location that has not been updated from before, the customer may not be able to tell if he is traveling in the right direction. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to transmit updates from TSPs. One of ordinary skill at the time the invention was made would have been motivated to transmit updates from TSPs for the obvious reason that customers need information that is reliable and in tune with their actions. For example, personalized information concerning rush-hour traffic congestions would be useless if a TSP transmits information that has not been updated from before. Customers may cease to rely on a provider and take their

business elsewhere. This loss of business, if generalized, may well cause TSPs and portals to go bankrupt if they do not transmit updates.

Wireless Internet *does not* specifically disclose that transmitting information from a portal to customer device is via FM subcarrier network. It is well known that information may be transmitted from TSP's to telematics devices via FM subcarrier networks. For example, InfoGation discloses that CUE's FM subcarrier network reaches over 80% of the North American population and interstate highway system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wireless Internet with InfoGation and disclose transmitting information from a portal to a customer device over an FM subcarrier network. One of ordinary skill in the art at the time the invention was made would have been motivated to combine Wireless Internet with InfoGation and disclose transmitting information from a portal to a customer device over an FM subcarrier network for the obvious reason that FM subcarrier networks provide a simple, efficient and proven way to reach a large number of customer devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

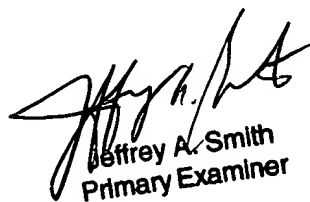
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JZ
James Zurita
Patent Examiner
Art Unit 3625
April 10, 2003


Jeffrey A. Smith
Primary Examiner